

IN THE CIRCUIT COURT OF CLARK COUNTY  
STATE OF INDIANA

CORY CUTSHALL

Plaintiff

CASE NO. \_\_\_\_\_

v.

KEITH ROCKWELL

and

DAVE KUKER TRUCKING LLC

Defendants

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Comes the Plaintiff, Cory Cutshall, by and through counsel, John L. Smith, and for his cause of action against the Defendants Keith Rockwell and Dave Kuker Trucking LLC hereby states as follows:

1. At all relevant times, the Plaintiff was a resident of Scott County, State of Indiana.
2. At all relevant times, the Defendant, Keith Rockwell, was a resident of Satsuma, State of Florida, and acting within the course and scope of his employment with Defendant, Dave Kuker Trucking LLC
3. At all relevant times, the Defendant, Dave Kuker Trucking LLC, was a corporation authorized to do business and is doing business in Clark County, State of Indiana and employed Defendant Keith Rockwell.

4. The events described herein occurred in Clark County, State of Indiana, and this Court has proper venue in this action.

### **COUNT I**

5. On or about August 27, 2022, the Defendant, Keith Rockwell, was negligent in the operation, maintenance, and control of a 2020 Peterbilt 567 when he struck the motorcycle the Plaintiff was riding.

6. Cory Cutshall was traveling West on Memphis Bluelick Road in Memphis, Clark County, Indiana when the Defendant Keith Rockwell, failed to keep a proper lookout and failed to properly control his vehicle, when he attempted to turn in front of Cory Cutshall's motorcycle and hit him head on.

7. As a direct and proximate result of the negligent acts and conduct of Defendant, Keith Rockwell, Plaintiff has sustained serious bodily injury; all damages in excess of the minimal amount necessary to confer jurisdiction upon this Court.

8. The negligence of Defendant, Keith Rockwell, in the use of a motor vehicle and/or his acts and/or omissions being otherwise negligent are the direct and proximate cause of all the damages suffered by the Plaintiff or are a substantial cause in causing same.

### **COUNT II**

9. On or about the aforementioned date, the Defendant, Dave Kuker Trucking LLC was the owner of the vehicle driven by Defendant Rockwell that was involved in the subject collision.

10. At all times relevant, Defendant Rockwell was employed by, and acting within the scope of his employment as an employee for Defendant Dave Kuker Trucking

LLC or one of its agents, subsidiaries, distributorships, or owned businesses or companies, or corporations, and thereby causing the aforementioned Defendant Dave Kuker Trucking LLC to be either directly or vicariously liable for the injuries caused to Plaintiff.

11. As a direct and proximate result of the acts and conduct of Defendant, Dave Kuker Trucking LLC, Plaintiff has sustained serious bodily injury; all damages in excess of the minimal amount necessary to confer jurisdiction upon this Court.

12. The negligence of Defendant Dave Kuker Trucking LLC or one of its employees acting within the scope of their employment, agents, subsidiaries, owned business, companies, or corporations in their driving operations and/or their acts and/or omissions being otherwise negligent are the direct and proximate cause of all damages suffered by Plaintiff or are a substantial cause in causing the same.

**WHEREFORE**, Plaintiff, Cory Cutshall, demands relief against Defendants Keith Rockwell and Dave Kuker Trucking LLC as follows:

1. Judgment against the Defendants for compensatory damages in an amount in excess of the amount necessary to invoke the jurisdiction of this court and reasonably calculated to compensate Plaintiff for his damages, to include the following:
  - a. Past and future medical expenses;
  - b. Past and future physical and mental pain and suffering, to include inconvenience;
2. Costs herein expended;
3. **Trial by jury;**

4. Any and all interest to which the Plaintiff may be adjudicated to be entitled to from the date of filing this action; until paid; and
5. Any and all other appropriate relief to which the Plaintiff may appear to be justly entitled.

Respectfully submitted,

*/s/ John L. Smith*

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*Counsel for Plaintiff*

Comes now the Plaintiff, Cory Cutshall, and demands a trial by jury on all issues so triable.

*/s/ John L. Smith*

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John L. Smith #26921-31